

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0800-M716

Case Title:

Smithfield Foods

Subject of Report:

Kim McIntosh SD DENR

Reporting Office:

Denver, CO, Area Office

Activity Date:

January 22, 2018

Reporting Official and Date:

(b) (6), (b) (7)(C)

Special Agent

22-JAN-2018, Signed by: (b) (6), (b) (7)(C)

Approving Official and Date:

(b) (6), (b) (7)(C)

Assistant Director for Investigations

22-JAN-2018, Approved by: (b) (6), (b) (7)(C)

Assistant Special Agent in Charge

SYNOPSIS

According to McIntosh, Smithfield has been good about reporting their anhydrous ammonia releases. McIntosh also verified that the anhydrous ammonia releases in question were reported to SD DENR.

DETAILS

On January 22, 2018, Special Agent (b) (6), (b) (7)(C) spoke with Kim McIntosh from the South Dakota Department of Environment and Natural Resources, DENR, regarding the John Morrell Plant, Smithfield, in Sioux Falls, SD. According to McIntosh, Smithfield has been good about reporting their releases. McIntosh added about five years ago, they were fined by the Environmental Protection Agency and the Occupational Safety and Health Administration for not properly reporting their ammonia releases. McIntosh commented DENR has a database that allows them to check what releases have been reported and the reports that are submitted by the companies.

McIntosh conducted a search of DENR's database. McIntosh stated on August 13, 2017, Smithfield reported 100 pounds of anhydrous ammonia was released. After reviewing the report, she added the total released was 156 pounds and they had to replace a section of the pipe. She was unable to find any reported releases in the spring of 2017, but did find a documented release in March of 2016. According to the report, NRC # 1142533, an anhydrous ammonia release occurred due to an equipment failure in the deep chill area of the facility and the defective pipe was repaired.

McIntosh explained that the DENR database is available on the internet and after a case is completed, it is available on the website. However, while the release is being investigated it is best to contact her for more information. McIntosh stated most of the unpermitted releases are reported and documented in the database.

If the facility is permitted and they have a release, the documentation of the release is done in a report by the permitting authority. For example, a release of wastewater from a facility would be handled by Kelly Busher and Busher would be responsible for the report.